

REMARKS

In response to the Office Action mailed December 9, 2004, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 1, 2, 4-8, 10, 11, 13-15, 17-21, 23, 24, 26, 29, and 30 have been amended to more clearly describe the invention, and claims 31-36 have been added. In order to eliminate the fees for the new claims, claims 5-7 and 18-20 have been canceled without prejudice. As a result, claims 1-4, 8-17, 21-26, 29, and 30 remain pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 1-26, 29, and 30 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-26, 29, and 30 under 35 U.S.C. § 103(a) as being obvious over Culpepper et al. The Applicant respectfully traverses the rejection.

The Applicant has amended claims 1, 2, 4-8, 10, 11, 13-15, 17-21, 23, 24, 26, 29, and 30 to more clearly describe the present invention. In particular, the claims have been amended to more clearly describe that the vinyl siding panel has at least one substantially planar portion having a slight curvature of specified dimensions. The Applicant has surprisingly discovered that a panel of the claimed dimensions approximates the appearance of straight face siding while also significantly limiting oil canning. In particular, the slight curvature of the present invention significantly limits oil canning relative to a flat panel. Moreover, the slight curvature of the present invention

also provides a desired appearance that was unavailable with panels having significantly curved portions.

Prior to the present invention, those of ordinary skill in the art did not contemplate a vinyl siding panel having a slight curvature. In fact, Culpepper et al. demonstrates that those of ordinary skill in the art did not have the motivation to achieve the present invention. In column 1, lines 30-49, Culpepper et al. discusses the problem of oil canning. Therein, Culpepper teaches that a concave face diminishes oil canning problems. However, in column 1, lines 51-59, Culpepper et al. teaches that drop-in foam insulation is incompatible with the concave face of a siding panel, which shows that Culpepper et al. is concerned with a significantly curved, concave face. In fact, figures 2-4 clearly show that Culpepper et al. teaches significantly curved, concave face portions. Even though the figures may not be drawn to scale, they still show significantly more curvature than set forth in the claimed invention. Consequently, Culpepper et al. does not provide any suggestion or motivation to change to a slightly curved face portion as taught in the present invention. Instead, in column 3, lines 23-28, Culpepper et al. teaches that bonding a vinyl siding panel to an insulating member is the way to eliminate the need for a significantly curved, concave face. This teaching is reinforced in column 4, lines 42-50. Therein, Culpepper et al. teaches that bonding the insulating member to the siding panel eliminates the need for a concave face. As a result, Culpepper et al. suggests that a straight planar face will diminish oil canning if

the panel is bonded to an insulating member. Thus, Culpepper et al. suggests either a significantly curved, concave face or a straight planar portion.

Culpepper et al. does not recognize that the best solution to the problem is a slightly curved face portion as taught in the present invention. The Applicant has discovered that a straight planar face portion as taught by Culpepper et al. is still subject to an undesirable amount of oil canning even if the siding panel is bonded to an insulating member as taught by Culpepper et al. In fact, the oil canning may even cause bonding problems. In direct contrast to the teaching of Culpepper et al., the Applicant has made the surprising discovery that a slight curvature as set forth in the claims provides desired resistance to oil canning, even if the siding panel is not bonded to an insulating member. Moreover, a siding panel of the present invention still provides the appearance of straight face siding to the naked eye. This combination of factors is not taught or suggested by Culpepper et al., and it is not a result of routine experimentation. Therefore, the Applicant respectfully submits that Culpepper et al. cannot support the rejection of claims 1-26, 29, and 30 under 35 U.S.C. § 103(a).

Rejection of Claims 1, 4-14, 17-26, 29, and 30 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 4-14, 17-26, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. in view of section 07460 of the Sweet Catalog. The Examiner has maintained the assertion that the present specification does not disclose that a siding panel having the specific claimed dimensions provides an advantage, is used for a particular purpose, or solves a stated

problem. The Examiner has also maintained the assertion that the specific dimensions of the claimed invention are merely an obvious matter of design choice to provide a siding panel that accommodates the user's preference and various building structure requirements. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that the specification discloses the problem, and it teaches how the present invention is the surprising solution to the problem. In particular, the background of the present specification discusses the problem of oil canning. The background also describes prior attempts to limit the effects of oil canning. Furthermore, the background describes that such design considerations limited and/or diminished the appearance of the vinyl siding. In fact, as explained above, Culpepper et al. also discussed oil canning. In order to solve the problem, Culpepper et al. suggested a significantly curved face portion or, if the siding panel would be bonded to an insulating member as set forth in that patent, a straight planar portion. Based on the 1997 filing date of Culpepper et al., those of ordinary skill in the art at that time already knew about the teachings of Johnstone et al. (issued in 1987) and the Sweet Catalog (published in 1995). Still, Culpepper et al. taught that there was an oil canning problem. Consequently, it is apparent that Johnstone et al. and the Sweet Catalog did not solve the problem of oil canning or provide the necessary motivation to solve the problem of oil canning as set forth in the claimed invention. In fact, the Applicant described above how neither solution suggested by Culpepper et al. adequately addresses the problem. As a result, the prior art leaves a need for a

product that provides the dual benefits of providing the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. As shown by the example provided on page 9 of the specification, the claimed invention addresses this need. The solution was not dictated by any building code requirements.

The Applicant has amended claims 1, 4-8, 10, 11, 13, 14, 17-21, 23, 24, 26, 29, and 30 to more clearly describe the present invention. In light of the teaching of Culpepper et al., the Applicant maintains that Johnstone et al. and the Sweet Catalog fail to teach or suggest the slight curvature set forth in the claims of the present invention. Neither reference addresses the problem of oil canning, and neither reference teaches or suggests any benefits of reducing the curvature as set forth in the claimed invention. Accordingly, the Applicant maintains the remarks that have been previously made regarding the teachings of Johnstone et al. and the Sweet Catalog. As a result, the combination of Johnstone et al. and the Sweet Catalog does not teach or even suggest the claimed invention, which provides the dual benefits of providing the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. Therefore, the Applicant respectfully submits that Johnstone et al. in view of the Sweet Catalog cannot support the rejection of claims 1, 4-14, 17-26, 29, and 30 under 35 U.S.C. § 103(a).

Rejection of Claims 2, 3, 15, and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 3, 15, and 16 under 35 U.S.C. § 103(a) as being obvious over Johnstone et al. in view of section 07460 of the Sweet Catalog and

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further in view of Culpepper et al. The Applicant respectfully traverses the rejection. In light of the aforementioned shortcomings of the references with regard to the independent claims, the Applicant respectfully submits that Johnstone et al. in view of section 07460 of the Sweet Catalog and further in view of Culpepper et al. cannot support the rejection of claims 2, 3, 15, and 16 under 35 U.S.C. § 103(a).

New Claims

The Applicant has added new claims 31-36, which further describe exemplary embodiments of the present invention. In order to allow for the addition of the new claims without incurring additional fees, the Applicant has canceled claims 5-7 and 18-20 without prejudice.

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Conclusion

The Applicant has distinguished claims 1-4, 8-17, 21-26, 29, and 30 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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